

Amend Section 40-181 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY

.1 (Continued)

.5 Determination of Eligibility During Absence From the State, County or Country

.51 A recipient who leaves the state, ~~county,~~ or country is responsible for informing the county paying aid ~~immediately of his/her~~ their departure and of changes in ~~his/her~~ their living plan, income, and needs. If absent from the state, ~~he/she is~~ they are also required to inform the county of ~~his/her~~ their residence intent. ~~If in the state but absent from the county paying aid, he/she is required to give information from which the county can determine if an intercounty transfer is in order (see Section 40-187).~~ If the recipient leaves the state, the county shall immediately determine ~~his/her~~ their residence intent and take appropriate action as provided in Chapter 42-400.

.52 A recipient who moves from one county to another within the state with the intent of establishing residence in the new county shall notify either the county from which they move or the county to which they move of the change in residence (see Section 40-187). The recipient may report a change of residence in person, in writing, by phone, or, if available, electronically online. The recipient shall be advised of these options at application and redetermination.

.5253 (Continued)

.5354 (Continued)

.5455 (Continued)

Authority cited: Sections 10553, 10554, 10604, 11203, 11265.1, 11369, and 18904, Welfare and Institutions Code.

Reference: 42 U.S.C. 616(b) and (f); 45 CFR 233.28 and 233.29(c); and 45 CFR 235.112(b); 7 CFR 273.16(b); Sections 10003(a), 10063, 10553, 10554, 10604, 11008, 11100, 11203, 11253(b), 11253.5, 11254, 11265, 11265.1, 11265.2, 11265.3, 11265.8, 11280, 11403, 11450.12, 11451.5, 11486, and 11495.1, Welfare and Institutions Code; and Section 301(a)(1)(A) and (B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); California's Temporary Assistance for Needy Families State Plan dated October 9, 1996 and effective November 26, 1996; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 40-187 to read:

40-187 INTERCOUNTY TRANSFER

- .1 The following definitions pertain to intercounty transfer (ICT) and intercounty collection (ICC) procedures in Sections 40-188 through 40-197.
- .11 30-Day Transfer Period The 30-day transfer period begins with the ~~postmarked date or the date of the electronic transfer of the notification of the ICT.~~ date the recipient notifies either the first county or second county of a change in residence from one county to another county. When the 30th day falls on a Saturday, Sunday or a legal holiday, the first business day following the weekend or holiday is considered to be the last day of the 30-day transfer period.
- .12 ~~Expiration of Transfer Period~~ Transfer of Responsibility to Pay Aid The date of transfer of responsibility to pay aid occurs no later than the end of the month following the 30-day transfer period after the first county either mails or electronically transfers the notification of the ICT to the second county first day of the next available benefit month following 30 days after either the first county or second county is notified or the end of the month in which aid is discontinued for cause, whichever is earlier. By mutual agreement of the counties involved, the transfer of responsibility may occur at an earlier date.
- .13 (Continued)
- .14 Intercounty Transfer A transfer of responsibility for ~~determination of eligibility benefits~~ and for provision of social services from one county to another.

.15 (Continued)

.16 Transfer Period

The period of time in during which ~~the second county determines eligibility~~ the first county transfers benefits to the second county and the first county but remains responsible for the payment of aid.

Authority cited: Sections 10553, 10554, 10604, ~~11053~~, and 11102, Welfare and Institutions Code.

Reference: Sections 10003(a), 10553, 10554, 10604, 11102(b)(2), 11450.018(a) and (b) and 11452.018(a), Welfare and Institutions Code.

Amend Section 40-188 to read:

40-188 TRANSFER PROCEDURE

.1 First County

The first county shall:

.11 Notify Second County

When informed by the recipient or second county that the recipient has moved to the second county; Notify the second county of the initiation of a case transfer in writing using the "Notification of Intercounty Transfer" form or via electronic data transfer.

.111 (Continued)

.12 Inform Recipient

~~Inform the recipient in writing of his/her responsibility to immediately apply for a redetermination of eligibility in the second county to avoid a break in aid.~~
Inform the recipient in writing of the case transfer to the second county.

.121 (Continued)

.13 Provide Documentation

Provide documentation to the second county within seven working days from the date that the recipient notifies the first county of the change in residence, first county notifies the second county of a case transfer (per Section 40-188.11), or the date the first county receives a request for case transfer from the second county. To the greatest extent possible, case record documents must be electronically shared between the first county and the second county. with
Provide copies of the most recent:

.131 CalWORKs

SAWS 1 (Initial Application for CalFresh, Cash Aid, CalFresh and/or Medical Assistance Medi-Cal/Health Care Programs), SAWS 2 Plus (Application for CalFresh, Cash Aid, and/or Medi-Cal/Health Care

Programs), SAWS 2A SAR
(Rights, Responsibilities and Other
Important Information), and SAR 7
(SAR 7 Eligibility Status Report).

.132 (Continued)

~~(SAR).14 Determine Eligibility~~

~~Determine continuing eligibility and amount of cash aid from the most recent Semi-Annual Eligibility Report (SAR 7 or SAWS 2) due during the transfer period. Once eligibility is determined, cash aid shall continue until the end of the SAR Payment Period in which the transfer period ends.~~

~~(AR/CO)~~

~~Determine continuing eligibility and amount of cash aid from the most recent Statement of Facts (SAWS 2) during the transfer period. Once eligibility is determined, cash aid shall continue until the end of the AR/CO Payment Period in which the transfer period ends.~~

~~.14~~ (Continued)

~~.15~~ (Continued)

~~.16~~ (Continued)

.2 Second County

The second county shall:

.21 Contact Recipient

~~Provide or send an appointment letter to the recipient, if the address is known. The letter shall include the address and telephone number of the county welfare office, an appointment date and time, and inform the recipient that the appointment may be re-scheduled, if needed. Aid shall not be stopped or suspended for the recipient's failure to keep the first appointment during the transfer period. The county may also include with the appointment letter any additional forms needed to complete the redetermination of eligibility.~~

<u>.21</u>	<u>Notify First County</u>	<u>When informed by the recipient that they have moved to the second county, initiate the ICT within seven working days by requesting the first county to transfer the case to the second county.</u>
.211	Exemption	Verify that non-needy caretaker relatives who are receiving CalWORKs on behalf of a child who is a dependent of the court (and who is not receiving federal Foster Care benefits) are approved pursuant to the standards of subdivision (d) of Section 309 of the Welfare and Institutions Code to care for the court dependent child. Once verified, this population is exempt from attending the ICT redetermination appointment with the second county.
.22	Redetermine Eligibility	Eligibility and grant amount shall be determined based on current circumstances using continuing recipient criteria. The county shall follow the provisions of Section 40-126.3 when processing the ICT. Continuing eligibility determination must be completed by the end of the transfer period as specified in Section 40-187.12.
<u>.22</u>	<u>No Redetermination of Eligibility</u>	<u>Not redetermine eligibility until the next scheduled annual redetermination or SAR 7. The recipient may be interviewed if the interview is regarding participation in the Welfare-to-Work Program.</u>
<u>.221</u>	<u>Overpayments</u>	<u>An overpayment that becomes known to the second county during the ICT shall not be corrected or collected until the next scheduled annual redetermination or SAR 7.</u> <u>The second county shall act on specified mid-period changes (See Section 44-316), correct, and collect</u>

overpayments that are known at that time.

.23 Inform Recipient

Inform the recipient in writing of the case transfer.

.24 Payment Responsibility

Responsibility for payment of aid shall begin after the end of the transfer period as described in Section 40-187.12 after the second county notifies the first county that the case has been successfully transferred.

.2325 (Continued)

.2426 (Continued)

.2527 (Continued)

.3 Third County

If the recipient moves from the second county to a third county during the transfer period, the first county is responsible for canceling the transfer to the second county and transferring the case to the third county upon notification of the move.

Authority cited: Sections 10553, 10554, 10605, ~~11052.6, 11053~~, 11102, and 11369, Welfare and Institutions Code.

Reference: Sections 10003(a), (b), (c), and (d), 10553, 10554, 10605, 11102(b)(2), 11265.1, and 11403(b), Welfare and Institutions Code; and Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 40-189 to read:

40-189 COUNTY IN WHICH RECIPIENT MAKES ~~HIS/HER~~ THEIR HOME

- .1 Home County

A recipient is considered to "make ~~his/her~~ their home" in the county in which ~~he/she is~~ they are physically residing.
- .2 Exceptions

The following are exceptions to .1 above:

 - .21 (Continued)
 - ~~.27 Kin-GAP~~

~~In Kin-GAP, a child shall be considered to make his/her home in the county which had legal custody of the child pursuant to Section 40-125.8 immediately prior to the dismissal of dependency and establishment of the legal guardianship by the court.~~

Authority cited: Sections 10553, 10554, 10604, ~~11053~~, 11102, and 11369, Welfare and Institutions Code.

Reference: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Amend Section 40-190 to read:

40-190 COUNTY RESPONSIBILITY

- .1 Initiation of Intercounty Transfer An intercounty transfer shall be initiated immediately within seven working days when:
- .11 First County or Second County is Notified of Move The first county or second county is notified that the recipient has moved ~~his/her~~ their permanent residence to another county.
- .12 (Continued)
- .14 ~~Kin-GAP Transfer~~ ~~A Kin-GAP child has been receiving aid from a county other than the county of responsibility as identified in Section 90-105.2, the case should be transferred to the county of responsibility.~~
- .154 (Continued)
- .2 (Continued)
- .6 Redetermination When the recipient moves during either of the last two months of the redetermination period, the second county shall be responsible for completing the redetermination. By mutual agreement of the counties involved, the redetermination may be completed by the first county with the recipient.
- .7 Periodic Report When the recipient moves during either of the last two months of the semi-annual period, the second county shall be responsible for processing the SAR 7. By mutual agreement of the counties involved, the SAR 7 may be processed by the first county.

Authority cited: Sections 10553, 10554, 10604, ~~11053~~, 11102, and 11369, Welfare and Institutions Code.

Reference: Sections 10003(a), (b), (c), and (d), 10553, 10554, 10604, 11004, 11265.1, and 11403(b), Welfare and Institutions Code; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 40-191 to read:

40-191 DISCONTINUANCE DURING TRANSFER PERIOD

.1 Recipient Responsibility

Where aid is discontinued for cause during the transfer period, and the recipient does not appeal the discontinuance through the state hearing process but wishes to reapply due to a change in ~~his/her~~ their circumstances, ~~he/she~~ they must reapply for aid ~~with~~ in the county in which ~~he/she~~ they currently resides.

Authority cited: Sections 10553, 10554, 10604, ~~11053~~ and 11102, Welfare and Institutions Code.

Reference: Sections 10003(a), (b), (c) and (d), 10553, 10554, and 10604, Welfare and Institutions Code.

Amend Section 42-405 to read:

42-405 RIGHTS AND RESPONSIBILITIES OF APPLICANTS OR RECIPIENTS

.1 (Continued)

.2 Informing County of Residence Changes

.21 An applicant or recipient, shall immediately inform the county to which ~~he~~ they applied, or the county paying aid, if ~~he~~ they goes to another county, state, or country, regardless of the anticipated date of return. A recipient who moves from one county to another with the intent of establishing residence in the new county shall notify either the county from which they move or the county to which they move, of the change in residence. The recipient may report a change of residence in person, in writing, by phone, or, if available, electronically online. The recipient shall be advised of these options at application and redetermination. (See Section 40-181.45.)

.211 In accordance with Section 44-316.321(d)(1), the act of failing to report an address change must not, in and of itself, result in a reduction in aid or a termination of benefits.

.22 (Continued)

Authority cited: Sections 10003(a), 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10003(a), 10553, 10554, 10604, 11101, 11102, and 11105, Welfare and Institutions Code.

Amend Section 80-301 to read:

80-301 DEFINITIONS

The following definitions apply to the regulations in Divisions 40 through 50 and 80 through 90.

(a) (Continued)

(s) (1) (Continued)

(9) Statement of Facts

"Statement of Facts" means the CW 8 (Rev. 3/13), CW 8A (Rev.4/13), SAR 22 (Rev. 3/13), SAR 23 (Rev. 3/13), CW 42 (Rev. 11/06) or the SAWS 2 Plus (Rev. 4/135) are the state required forms used to collect the information necessary to determine a family's eligibility. See Section 80-310 for title and definition of forms.

(10) (Continued)

(t) (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10054, 10058, 10063, 10553, 10554, 10604, 11008.13, 11008.14, 11023.5, 11051, 11054, 11201, 11203, 11250, 11250.4, 11265.2, 11265.3, 11265.45, 11266, 11269, 11320, 11400, 11450, 11486, 16501.1, and 16507, Welfare and Institutions Code; Sections 297, 297.5, 298.5, and 299.2, Family Code; 8 CFR 213a. and 299; 45 CFR 201.3, 206.10, 224.51, 232.12, 233.10, 233.106, 233.20, 233.51, 233.60, 233.90, 237.50, 255, and 266.10; 42 USC 402(a)(6) and 606(a); and SSA-AT-86-01; Federal Register, Vol. 75, No. 19, dated January 29, 2010, pages 4928 and 4929 [7 CFR 273.12(a)(1)(vii)].

Amend Section 80-310 to read:

80-310 DEFINITIONS - FORMS

The following forms apply to the regulations in Divisions 40 through 50 and 80 through 89.

(a) (Continued)

(s) (1) (Continued)

(10) SAWS 1

The "Initial Application for CalFresh, Cash Aid, and/or Medi-Cal/Health Care Programs" (Rev. 8/13) is used to request public assistance, including CalWORKs and CalFresh (previously Food Stamps), along with Medi-Cal and other health coverage.

(11) SAWS 2 Plus

The "~~Statement of Facts~~ Application for CalFresh, Cash Aid, ~~CalFresh~~ and/or Medi-Cal/~~34 County Medical Services Health Care Programs (CMSP)~~" (Rev. 4/13~~5~~) is used as a multipurpose form to gather information necessary to determine eligibility for CalWORKs, CalFresh, and Medi-Cal. The SAWS 2 Plus is also used at one-year intervals to redetermine eligibility and determine benefit amounts for the upcoming payment period.

(12) (Continued)

(t) (Continued)

Authority cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: 45 CFR 206.10(a)(8); Sections 10553, 10950, 11054, 11265.1, 11265.2, 11265.3, 11450(b), 12300, 12300.2, 12304, 12304.5, and 14132.95, Welfare and Institutions Code; Judgment Re: Tyler v. Anderson, Sacramento Superior Court Case No. 376230, dated January 22, 1999; 8 USC Section 1631; and 1798.17, Civil Code.